

*Arent Fox LLP, New York, NY / Washington, DC / Los Angeles, CA***Arent Fox**

July 1, 2008

By Federal Express

The Honorable Lewis A. Kaplan
 United States District Court
 Southern District of New York
 500 Pearl Street, Room 1310
 New York, New York 10007

Re: H. Thomas O'Hara Architect, PLLC and H. Thomas O'Hara v. Extell West 45th Street LLC, Extell West 45th LLC, and Extell Development Company
(Civil Action No. 07 CV 11224)

Dear Judge Kaplan:

We represent the Plaintiffs, H. Thomas O'Hara Architect, PLLC and H. Thomas O'Hara, in the above-referenced action. I write to you on behalf of counsel to both Plaintiffs and Defendants Extell West 45th Street LLC, Extell West 45th LLC, and Extell Development Company, concerning Plaintiffs' Motion for Partial Summary Judgment (the "Motion"), which motion was filed on June 17, 2008.

The parties have conferred and respectfully request that Your Honor hold the Motion in abeyance so that the parties may conduct a mediation of all claims in the litigation. In furtherance of the parties' proposal, we respectfully request that Your Honor also enter an Order or otherwise grant permission for the parties to conduct such a mediation before The Honorable Magistrate James C. Francis.

Please contact myself or Alvin Lin, attorney for Defendants, should you have any questions.

Respectfully submitted,

David J. Pfeffer (DJP-1317)

cc: Alvin C. Lin, Esq., (212-735-8873)
 Y. David Scharf, Esq.
(Attorneys for Defendants)

Kevin O'Neill, Esq.

The Honorable James C. Francis

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MEMO ENDORSED

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MEMO ENDORSED
*Motion denied without
 prejudice &
 renewal if settlement
 fails. Referred to
 Judge Francis for
 settlement.*

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